

JUDGE'S COPY  
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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD ACKERMAN  
Petitioner

vs.

JOHN McCULLOUGH  
Respondent

: CIVIL NO. 1-CV-01-1048  
: (Judge Caldwell)  
:  
:  
:  
:

FILED  
HARRISBURG

OCT 16 2001

MARY E. D'ANDREA, CLERK  
Per. GTS

DEPUTY CLERK

MOTION IN RESPONSE TO COMMONWEALTH'S MOTION TO DISMISS

TO THE HONORABLE JUDGES OF SAID COURT:

1. On October 10, 2001 Petitioner received the Commonwealth's Motion To Dismiss.
2. Petitioner placed his Habeas Corpus petition in the prison mailbox on May 29, 2001 (see attached inmate cash slips, Exhibit A) nine (9) days prior to the deadline.
3. The prison accounting department did not deduct the five (5) dollar filing fee until June 7, 2001, and the prison mailroom did not post the documents until June 9, 2001.
4. The Clerk of Court did not receive these documents until June 13, 2001.
5. Petitioner has no control over the actions of the prison staff in processing mail and should not be denied access due to the slow rate at which staff completes it's duties.

Respectfully submitted,

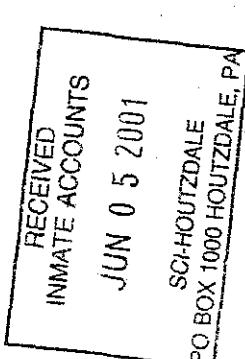


Edward Ackerman  
CW-5843  
P.O. Box 1000  
Boutzdale, PA 16693

Oct 11, 2001

DC-138A	CASH SLIP	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS	6/1/01
		Loyola High School	
1. REQUISITIONING INMATE		2. RECEIVING INMATE	
INSTITUTIONAL NUMBER	LOCATION	INSTITUTIONAL NUMBER	LOCATION
C-1-5243	JB-31	C-1-5243	JB-31
3. ITEMS TO BE CHARGED TO MY ACCOUNT		4. INMATE'S SIGNATURE	
Please Deliver \$5.00 to Loyola High School			
5. OFFICIAL APPROVAL		6. BUSINESS OFFICE'S SPACE	
CHARGE ENTERED	DATE	BOOKKEEPER	\$ 5.00

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 RECEIVED  
 INMATE ACCOUNTS  
 JUN 05 2001  
 SCI-HOUTZDALE  
 PO BOX 1000 HOUTZDALE, PA